



## MINUTES

### PLACER COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS Monday, April 14, 2008

The Board of Directors for the Placer County Flood Control and Water Conservation District met in session beginning at 4:03 P.M., Monday, April 14, 2008 in the Rocklin City Council Chambers, 3970 Rocklin Road, Rocklin, California. Ken Grehm, Executive Director, Brian Keating, District Engineer, Andrew Darrow, Development Coordinator and Christiana Darlington, District Counsel, represented the District.

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#### 1. **ROLL CALL:**

By roll call, Directors present: Morillas, Nakata, Yorde, Hanley, and Yuill.

Not Present: Directors Weygandt, Rockholm and Roccucci

#### 2. **AGENDA APPROVAL**

Approved as submitted

MOTION: Yuill / Yorde

#### 3. **APPROVAL OF MARCH 10, 2008 MINUTES:**

Approved as submitted

MOTION: Hanley / Yorde

#### 4. **PUBLIC COMMENT:**

None

#### 5. **ACTION ITEMS:**

- a. Authorize the Executive Director to execute a construction contract with the lowest responsive bidder for the proposed Hillside Erosion Repair Project at the Miners Ravine Off-Channel Detention Basin Facility.

Brian Keating reported that following the January 2008 storm event, hillside erosion over an approximate 18,000 square foot area above the new bikepath on the eastern side of the property occurred. The necessary repairs do not qualify as a warranty item, under the former construction contract with Syblon Reid Inc., since the contractor correctly graded and applied hydroseed containing an erosion control seed mix according to contract specifications. Failure of the hydroseed mix that protects the hillside from erosion appears to have been the result of poor soil conditions along with the timing of the hydroseed application, which was not conducive to proper establishment prior to the storm event.

Staff has developed a scope of work and requested construction bids to make the necessary repairs. The scope of work includes removal of sediment from existing vegetated swales along

the bikepath shoulder, re-grading/repair of hillside gullies by hand or small track dozer, placement and anchoring of approximately 18,000 sq. ft. of bio-degradable straw blankets containing erosion control seed mix (rose clover and zorro fescue), and re-staking or replacement as necessary of an existing straw wattle 565 feet long. Placement and anchoring of a 3 foot wide coconut blanket within an existing 565 foot long swale along the bikepath. The scope also will include the grading and construction of two earthen drainage swales at both the facility driveway entrance (32' X 2' wide) and at the bikepath termination (45' X 2" wide). Placement and anchoring of 2 foot wide coconut blanket containing erosion control seed mix within the new swale shall also be included. This work is necessary to correct drainage conditions which currently allow localized ponding on the bikepath and driveway entrance.

Director Yuill asked why Staff believes that a second procedure will work. Brian stated that several experienced contractors recommended this type of application to improve stability of the hillside. Director Yuill asked if the new procedure will take even if another occurs. Ken Grehm stated that the major difference is the heavy duty matting which will hold down the soil and seeds while giving the vegetation time to sprout and take hold.

Brian stated that Staff has received and opened three bids and deemed them all responsive to the bid proposal issued by the District. The three bidders and bid amounts include:

Ad Land Ventures:	Bid Amount	\$8,678.00
Thunder Mountain Enterprises:	Bid Amount	\$14,049.00
Syblon Reid Inc.:	Bid Amount	\$32,800.00

The bids received are maximum, not to exceed amounts, including all labor material and equipment costs. Repairs can be completed within an estimated two week time frame including traffic control and staff recommends this occur as soon as possible to take advantage of spring rains to help improve establishment.

Brian further stated that the funds for these repairs are available from the Department of Water Resources Flood Protection Corridor Program grant as first year operations and maintenance costs. Brian requested that the Board authorize the Executive Director to execute a construction contract with the lowest responsive bidder, Ad Land Ventures, for the proposed Hillside Erosion Repair project at the Miners Ravine Off-Channel Detention Basin Facility.

Director Yuill questioned the large price differences between the three bids. Brian replied that after meeting with all three contractors, the price difference has to do with who is the "hungriest" for the work. Director Hanley asked about the District's change order policy and if Staff can produce change orders without the Board's authorization. Ken Grehm stated that Staff does not anticipate any change orders but all change orders would need approval by the Board. Ken further stated that presently the Executive Director has little authority to enter into contracts without the Boards authority but Staff is currently working with legal staff to draft procurement policies that may give him small procurement policy approvals. Director Yuill suggested that Syblon Reid (former facility construction contractor) should honor the warranty under "good faith". Brian replied that staff did meet with Syblon Reid and discuss the issue; however, the original slope construction was performed according to all contract specifications and signed off by staff. Brian further stated that this storm condition was an "Act of God" and that the contract specified only hydroseed not the current matting combined with hydroseeding. Ken Grehm stated that if matting were originally applied this much erosion would most likely have not happened.

MOTION: Hanley / Yorde

- b. Authorize the Executive Director to execute a professional services agreement with the recommended firm for long term wetland mitigation monitoring required at the Miners Ravine Off-Channel Detention Basin Facility.

Brian Keating reminded the Board that as a condition of the final wetland mitigation requirements established in the Mitigated Negative Declaration for the Miners Ravine Off-Channel Detention Basin Facility, long term monitoring of wetland conditions over the 8.2 acres and over the first 10 years is mandatory. The United States Corps of Engineers (USACE) placed a requirement on the District to perform post-construction monitoring of the establishment/success of new wetland areas created and existing wetlands to be protected. Annual performance monitoring reports will be prepared and submitted to the Corps and other stakeholders requesting the information.

Brian reported that District staff has prepared a request for proposal (RFP) for the first five years of these professional services and requested statements of qualifications and cost proposals from local environmental consulting firms. Staff have received and reviewed three proposals from qualified firms and based on the overall merits of each proposal received, District staff have developed the following ranking of the three firms:

1. Isabella Johannes d.b.a. EcoPlanning
2. Foothill Associates
3. Jones and Stokes

Brian explained that the top ranked firm proposes staffing the effort with a highly qualified conservation planner with recommended restoration and mitigation monitoring experience. The estimated costs to perform these services are approximately \$5,000 per year for a total contract value over five years of approximately \$25,000. Funding for these services would be from the Dry Creek Trust Fund Miners Ravine Zone and has been included within the \$20,000 budgeted total for operations and maintenance services this fiscal year at the facility.

Brian recommended that the Board authorize the Executive Director to enter into contract negotiations with the top ranked firm and execute a PSA following successful negotiations and District counsel review. Negotiations will begin with the top ranked firm and if unsuccessful, continue with the next highest ranked firm.

Director Hanley questioned why County staff could not be used in this effort. Brian replied that staff did approach the County's Planning Department to determine if appropriate qualified staff were available, but none were. Ken reported that traditionally the permitting agencies are hesitant to accept reports from owner/agency staff. Director Yuill questioned the price difference between the firms. Ken responded that Isabella Johannes d.b.a. EcoPlanning is a small but qualified firm that doesn't have high overhead costs and can perform at a lower cost. Director Hanley stated that if Isabella Johannes d.b.a. EcoPlanning is unable to perform the functions to bring it back to the Board following contract price-negotiations. Ken acknowledged that procedure is to have the Board authorize a new firm if negotiations fail.

MOTION: Hanley / Yuill

- c. Review and approval of the Final Fiscal Year 2008/09 District Budget

Ken Grehm presented the proposed Final Fiscal Year (FY) 2008-09 District budget for review and approval. Ken reported that based on tough economic times, no increase to the per capita rate annual contribution from each member agencies is proposed this year. As it is a difficult budgeting year for all our member agencies, the City of Roseville has requested the Board also consider a budget option with an approximate 15% decrease to the per capita rate annual contribution. The City recommended at our last Technical Advisory Committee Meeting this

decrease in annual contributions be off-set by a corresponding increase in the use of excess District reserves.

Ken reported that under the no per capita rate increase option, a reduced use of District reserves at \$18,800 is proposed for computer related supplies, the bi-ennial audit, specialized staff training and contingencies. Under the decreased per capita rate option, an increased use of District Reserves at \$70,500 is proposed, with \$51,700 being used towards salaries and the remaining \$18,800 also used for computer related supplies, the bi-ennial audit, specialized staff training and contingencies. Ken further reported that as of February 2008, the total amount of excess reserves over and above the Board approved \$200,000 minimum reserve target level is approximately \$167,200. The proposed FY 2008-09 budget includes the utilization of either an additional \$18,800 or \$70,500 of these excess reserves.

Ken stated that the Board should discuss and consider whether the increased use of excess reserves is appropriate (given that future use of excess reserves to off-set salaries cannot be guaranteed) and large increases to the per capita rate may be necessary to balance future budgets. Staff notes that this increased use of reserves at \$70,500 would be the first time reserves have been used for off-setting salaries. In the past the Board has preferred to utilize reserves for one-time expenses and contingencies. Ken further stated that a reduction in a per capita contribution to \$.92 dollars per person, for each jurisdiction will be an approximate 15% savings to our member agencies. Ken stated the "buy downs" are not sustainable and will eventually increase. Ken further stated that inconsistent rates usually cause volatile budgeting for member agencies.

Director Hanley asked whether the interest from reserves is deposited into general District funds. Ken Grehm replied that 100% of the interest is deposited back into the District budget. Director Hanley asked whether the State or County can borrow reserve funds. Ken answered that the reserves are in the District's possession/accounts and that the County does not have a right to these funds. Ken followed up by stating that he doesn't believe the state can get legal access to District funds. Director Yuill asked whether the Board can require that the funds be used for matching grants. Ken stated the District reserves can only be used at the Board's direction and authorization.

Ken reported that District resources are expected to be concentrated on completion of an update to the Dry Creek Watershed Flood Control Plan, the start of operations and maintenance activities for the Miners Ravine Off-channel Detention Basin Facility, pursuit of a regional flood and conservation easement retention project within the Cross Canal watershed and completion of the District's bi-ennial audit.

Public comment from Rhon Herndon, City of Roseville Engineering Manager, thanked District staff for allocating enough time at the April 3, 2008 TAC meeting to discuss necessary issues. Rhon further stated that the request for use of reserves is a temporary situation due to the downturn of the economy. Rhon reported that the City of Roseville operates with a 10% reserve and that District staff has a healthy reserve at approximately \$367,000. Rhon stated that if the Board considered the "buy down" option the District's reserve would still be over \$310,000. Rhon reported that the "buy down" was the City of Roseville's request and they do recognize that this is temporary solution.

Director Yorde reported that this is a one-time rebate because it's always easier to reduce than increase contributions. Ken explained that with a rebate the contribution rate would stay at \$1.08 but that the District could offer a one-time rebate to appropriate jurisdictions. Director Yuill made a motion to recommend the Board approve the final FY 2008-09 budget with a stipulation that a one time rebate of the dollars presented in the "buy down" version of the budget with no

per capita annual contribution increase or decrease. Director Hanley stated that it's the District's mission to: mitigate emergency situations, flood, decrease great harm, adjoining cities and the county etc. and asked if it's wise to reduce the reserves by \$50,000 as a one-time rebate rather than use the reserves for new projects. Director Yuill stated that using \$50,000 of District reserves will not be detrimental to the District and he supports motion. Director Yorde said that by offering a one-time rebate it is a way to recognize that the District is aware of the cities hardships.

Rhon Herndon thanked the TAC members for allowing Roseville to discuss the District's short-term workplans and budget details.

MOTION: Yuill / Yorde

**6. NEXT MEETING:**

The next regularly scheduled Board meeting is May 12, 2008, at 4:00 p.m. at the Rocklin City Council Chambers.

**8. ADJOURNMENT:**

The meeting was adjourned at 4:52 p.m.

Respectfully submitted,

*Carrie Diller*

District Secretary